K Great Brit. Geo II.

Read 9 Feb. 1730 in the Lords

Enacted 3 Geo II. Private Acts, c 4.

212 K. 8.
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An ACT *for Incloſing ſeveral Common Fields, Common Meadows, and other Commonable Lands, in the Pariſh of* Lillington *in the County of* Warwick.

Whereas there are ſeveral Common Fields, Common Meadows, and other Commonable Lands, within the Pariſh of *Lillington* in the County of *Warwick*, Part and Parcel of the Manor of *Lillington*, of which Manor and of all the Lands and Hereditaments in the ſaid Pariſh, *Henry Wiſe* of the Priory in *Warwick*, Eſq; is Lord, except the Lands and other Hereditaments belonging to the Right Honourable *Francis* Lord *Brook*, and the ſaid *Henry Wiſe* is ſeized of the Rectory Impropriate there, with the Advowſon of the Vicarage, and of the Right of Preſentation to the Pariſh Church of *Lillington*:

And whereas the ſaid Lord *Brook* and *Henry Wiſe*, and other Proprietors of Lands there, have their Lands intermixed and diſperſed over the ſeveral Fields, which has been found very inconvenient and detrimental to the Tenants of the ſaid Lord *Brook* and *Henry Wiſe*, and to the ſaid Proprietors, and has often occaſioned Diſputes in Plowing and in Mowing their Graſs, and is a Diſcouragement to Husbandry and Improvement: In Conſideration whereof, the Honourable *Dodington Greville*, the Honourable *William Bromley*, and *John How*, Eſquires, Guardians and Truſtees for the ſaid *Francis* Lord *Brook*, a Minor of Ten Years of Age, the ſaid *Henry Wiſe* and other the Proprietors, have agreed to incloſe and divide the ſaid Common Fields, Common Meadows, and other Commonable Lands, with due Reſpect to the Quantity and Quality of the ſaid Lands, to be enjoyed in Severalty for ever by the reſpective Owners and Occupiers thereof, and that Lands ſhall be laid out in lieu and full Satiſfaction for the Tythes, payable to the Rectory Impropriate of *Lillington*, and to the Vicar for the Glebe belonging to the Vicarage, and that juſt Allowances ſhall be made to the ſaid Lord *Brook* and *Henry Wiſe* for their reſpective Intereſts in the Waſtes; for making which Agreement effectual, the ſaid Honourable *Dodington Greville*, the Honourable *William Bromley*, and *John How*, Eſquires, Guardians and Truſtees for the ſaid Lord *Brook*, the ſaid *Henry Wiſe*, and other the Proprietors of the Lands, do humbly

Beſeech Your moſt Excellent MAJESTY,

That it may be **Enacted**; **And be it Enacted**, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament, and by the Authority of the ſame, that the Common Fields, Common

Common Meadows, and other Commonable Lands lying in the ſaid Pariſh of *Lillington*, may and ſhall be divided and allotted, on or before

by

or the Survivors of them, or of any or more of them, unto and among the ſeveral Perſons concerned, in Proportion to their reſpective Intereſts, who ſhall hold and enjoy his, her, and their Share and Part, ſo to be allotted in Severalty, and have the ſame Eſtate and Intereſt therein as he, ſhe, or they now have in the like reſpective Lands, for which ſuch Allotment is to be made, provided that any thing herein contained ſhall not extend, or be conſtrued to extend to impower or authorize the ſaid Commiſſioners, to give any undue Preference, or prefer one before another of the Parties concerned, in reſpect of their Allotments and Shares in the New Incloſures, but that the ſaid Commiſſioners ſhall have due Regard to the Quality as well as Quantity of Land to be aſſigned.

And whereas it is agreed, That juſt Allowances ſhall be made to the ſaid Lord *Brook* and *Henry Wiſe* for their Intereſts in the Waſtes, **Be it Enacted**, by the Authority aforeſaid, That it ſhall and may lawful, to and for the Commiſſioners appointed by this Act, or the Survivors of them, or any or more of them, in the firſt place, to allot to the ſaid Lord *Brook* and *Henry Wiſe*, their Heirs and Aſſigns, ſuch Share and Proportion of the Waſtes as they in their Judgment ſhall think juſt and reaſonable; and that the ſaid Lord *Brook*, *Henry Wiſe*, and other the Proprietors, their Heirs and Aſſigns, ſhall and may have Liberty within Years after the Allotments are made by the ſaid Commiſſioners, or the Survivors of them, or any or more of them, to fell and carry away Trees or Hedges growing upon any Land or the Waſtes that ſhall be taken from them by any Allotment, at their Will and Pleaſure, at ſeaſonable Times, doing as little Damage as is poſſible; and the Commiſſioners aforeſaid ſhall ſet out and appoint convenient private Ways to the ſeveral Lands to be allotted, not leſs than Feet broad, and ſhall order how and by whom the ſaid private Ways and the Out-fences of every Lot ſhall be hereafter made and repaired: And the Commiſſioners ſhall alſo ſet out and appoint publick Ways or Roads already made or to be made to the new Incloſures, with the Aſſize and Breadth thereof, ſo that the publick Ways or Roads ſhall be and remain Feet wide, at the leaſt, and that it ſhall not be lawful for any Perſon hereafter, to uſe any other Ways or Roads, either publick or private, over the new Incloſures on Foot, or with any Horſe or other Beaſt, or with any Coach or Chariot, or with any Waggon, Cart, or other Carriage, but ſuch Ways or Roads as the ſaid Commiſſioners ſhall ſet out and appoint.

And it is hereby alſo Enacted, That all the Lanes to be made on the publick Roads, by reaſon of ſuch Incloſure, ſhall have one Gate at each End thereof, which, with ſuch Lanes, ſhall be for ever repaired, at the common Charge of the whole Pariſh, as the Roads and Highways were repaired before the making this Act.

Provided always, That any of the Proprietors of the new Incloſures ſhall have Liberty for the Term of Years, to erect or ſet up any Gate or Gates croſs any Part of the ſaid Roads, againſt his or their own Land, for keeping out Sheep or other Cattle, to prevent their deſtroying any Banks, Plants, and Fences, which ſhall be made or planted, for incloſing any Part or Parcel of Land, intended by this Act to be incloſed.

And whereas it is agreed, That Land ſhall be laid our in lieu and full Satisfaction for the Tythes now payable at *Lillington* aforeſaid, **Be it Enacted**, by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners appointed by this Act, and the Survivors of them, or any or more of them, to allot or aſſign to the ſaid *Henry Wiſe*, his Heirs or Aſſigns, ſuch Share and Proportion of the ſaid Common Fields and Common Meadows, in full lieu and Satisfaction of the Tythes belonging to the ſaid Rectory Impropriate, as they in their Judgment ſhall think juſt and reaſonable, and that an Allotment ſhall be made to and for the Uſe and Benefit of the ſaid Vicar, and his Succeſſors, in lieu and full Satisfaction for the Glebe-Land belonging to the ſaid Vicarage, and Right of Common in reſpect thereof, in like manner as other Allotments are hereby directed and enacted to be made to the other Proprietors within the Pariſh aforeſaid, which Lands ſo to be allotted for the Vicar and his Succeſſors, ſhall lie together in the Field now called the *Nether Field*, as near and conveniently as may be to the Vicarage-Houſe, and ſhall be fenced with ſufficient Hedges and Ditches, at the Joint-Charge of the ſaid Lord *Brook*, *Henry Wiſe*, and other the Proprietors of the Lands at *Lillington*, by ſuch Time and in ſuch manner as the Commiſſioners, or any or more of them ſhall direct and appoint.

And it is hereby further Enacted, That all Lands to be incloſed as aforeſaid, ſhall be for ever diſcharged of and from all manner of Commons and Tythes payable to the Rectory

Impropriate,

Impropriate, from ſuch Times as the ſaid Commiſſioners, or any or more of them ſhall direct and appoint.

Provided alſo, That the Executors, Guardians, or Truſtees of any Perſon or Perſons under Age, or otherwiſe incapable by Law to accept ſuch Allotment as ſhall be made by the ſaid Commiſſioners, are hereby enabled and required to accept thereof, for the Uſe of ſuch Perſon or Perſons, as if he, ſhe, or they had been of Age, or capable of acting for themſelves.

And it is hereby further Enacted, by the Authority aforeſaid, That upon the Death of any of the Commiſſioners, or his refuſing to act, the Perſons who ſhall be intereſted in the new Incloſure, or of them in Number and Value, ſhall, from time to time, within after the Death or Refuſal of ſuch Commiſſioner, by Writing under their Hands and Seals, appoint another Commiſſioner, not intereſted in the Incloſures, in the ſtead of any Commiſſioner dead or refuſing to act, which Commiſſioner ſo to be appointed ſhall have the like Power and Authority, by Virtue of this Act, as the Commiſſioner in whoſe Place he ſucceeds was inveſted with.

Provided alſo, That Notice be given at the Door of the Pariſh Church of *Lillington* aforeſaid, on ſome *Sunday* immediately after Divine Service, of the Time and Place of Meeting to chooſe ſuch Commiſſioners, at leaſt a Fortnight before the ſame; and the Commiſſioners ſhall, and are hereby obliged to give Notice, in like manner, of every their Meeting to execute the Power veſted in them, and of the Buſineſs to be done at ſuch Meeting, at leaſt one Week before the ſame.

And it is alſo Enacted, That from and after the Dividing and Incloſing the ſaid Common Fields, Common Meadows, and other Commonable Lands as aforeſaid, and notwithſtanding ſuch Incloſure and Diviſion, there ſhall be reſerved and remain to the ſaid Lord *Brook* and *Henry Wiſe*, their Heirs and Aſſigns, all Right belonging to them reſpectively, as Lord or Lords of the Soil only, in any Part of the new Incloſures, as if this Act had never been made; and that all Chief Rents iſſuing out of any of the Houſes and Lands in *Lillington*, and now paid or payable, ſhall be reſerved and remain in the ſame State and Condition as they would have been if this Act had not been made.

And whereas it is requiſite ſome convenient Time ſhould be fixed for every Perſon intitled to any Part of the new intended Incloſures, to accept their reſpective Allotments and Shares, **Be it Enacted,** by the Authority aforeſaid, That all and every ſuch Perſon ſhall, and is hereby required to accept his, her, or their Allotment or Share, from and after the Allotting the ſame, within the Space of from the Time that Notice ſhall be given him, her, or them, by the Direction of the ſaid Commiſſioners; and in caſe any Perſon ſhall neglect or refuſe to accept his, her, or their Allotments or Shares after the Expiration of the ſaid ſuch Perſon ſo neglecting or refuſing to accept the ſame, he or ſhe, his or her Heirs and Aſſigns ſhall be totally excluded from having or receiving any Benefit or Advantage by this Act, and ſhall be likewiſe excluded from having any Eſtate, Intereſt, or Right of Common whatſoever, in any the Lands allotted to be incloſed, by any other Perſon or Perſons whatſoever, by Virtue of this Act: And for the more equal aſcertaining the Proportions and Shares of each Proprietor in the new Incloſures, the Commiſſioners are hereby authorized to ſettle and determine the ſame, upon hearing ſuch Proprietors reſpective Claims, as to them ſhall ſeem moſt juſt and meet, and ſuch Determination ſhall be final: And when the Commiſſioners ſhall have compleated and finiſhed the Partition and Allotment of the new Incloſure, the ſame ſhall be fairly engroſſed and wrote upon Parchment, to be ſigned by the Commiſſioners, or the Survivors of them, or any or more of them, and ſhall be enrolled with the Clerk of the Peace for the County of *Warwick*, within after ſuch Allotments are made and compleated, at the proper Coſts and Charges of the Owners and Proprietors thereof.

And be it further Enacted, That as well the Charges in Paſſing this Act, as for Surveying, Allotting, Settling, and Enrolling the Allotments, ſhall be defrayed by the Owners and Proprietors of the Lands, according to their reſpective Intereſts, the ſame to be calculated by an equal Pound Rate, as the Lands ſhall be rated at the Time of Paſſing this Act; but that no Part of ſuch Charge ſhall be bore by the Vicar of *Lillington* for the Time being.

Saving to the King's moſt Excellent Majeſty, his Heirs and Succeſſors, all ſuch Eſtate, Right, Title, and Intereſt which his Majeſty, his Heirs and Succeſſors, have or might have if this Act had never been made.

An ACT *for Incloſing ſeveral Common Fields, Common Meadows, and other Commonable Lands in the Pariſh of* Lillington *in the County of* Warwick.